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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION TWO

KHALED IMRAN,

Plaintiff and Appellant,

v.

RODY BARAKAT et al.,

Defendants and Respondents.

E070564

(Super.Ct.No. CIVDS1807690)

OPINION

APPEAL from the Superior Court of San Bernardino County. Gilbert G. Ochoa, Judge. Affirmed.

Khaled Imran, in pro. per., and for Plaintiff and Appellant.

No appearance for Defendants and Respondents.

Khaled Imran appeals an order denying his petition for a permanent restraining order against three male family members of a former girlfriend. He alleged the

girlfriend's father, brother, and husband threatened him with an honor killing because of the romantic relationship. The trial court heard testimony from all four parties and the former girlfriend and found Imran didn't show a permanent restraining order was warranted.

Imran, who represents himself, appeals the order. He argues substantial evidence does not support the trial court finding and objects that the hearing was not fair because the trial court allowed respondents to submit an opposition to his petition at the hearing and without serving him prior to the hearing. We find no merit to these arguments and affirm.

I

FACTS

On April 2, 2018, Khaled Imran filed three separate petitions for civil harassment restraining orders (Code Civ. Proc., §§ 527.6 & 527.9, unlabeled statutory citations refer to this code) against the husband, father, and brother of his former girlfriend, and obtained a temporary restraining order. The court set a hearing date for April 23, 2018 to decide whether to issue a permanent restraining order.

According to Imran, he and his girlfriend had been in a romantic relationship for some time. They spent a lot of time together and had fallen in love. However, the girlfriend came from a conservative Muslim family, and according to their traditions, she could not have a romantic relationship prior to marriage. Though Imran expressed his

love for the girlfriend and his desire to marry her, the father arranged for her to marry respondent Rody Barakat instead.

Though there are many twists and turns in the tale, the bottom line is the girlfriend sought—either freely or under familial compulsion—to terminate the relationship with Imran. In March 2018, she obtained a restraining order against Imran, which required him to stay away from her for three years. According to Imran, he has obeyed the restraining order assiduously.

He says the story didn't end there, however, because the girlfriend's family began harassing him. "I was surprised on Friday, 3-23-2018 and at the end of the week of 3-24-2018, her father contacted me and told me that the story has not yet ended and that there is punishment of faith and in his honor that my blood, my soul, my life is what I will pay." He says the girlfriend's brother called him and said "sooner or later he would get me." Later, her husband called and "said that my blood, my life, my soul will be the price because of the humiliation that I was with [his wife]." It was in response to these calls that Imran says he petitioned for a restraining order.

On April 23, 2018, the court heard the testimony of Imran, the girlfriend, and her father, brother, and husband. Imran testified as follows:

"We are here today because I'm in [a] life threaten[ing] situation because the—of [girlfriend's] family, who . . . think that the American justice was not enough for them. They want to take their own action. And by—they think they are the justice in their own hands because Arabic religion and their tradition a man and woman cannot have a

relationship. And because [we had a] relationship, this is—was a crime counted. I understand the story is done. But there's—you see a lot of similar situation[s] in this country. You saw a lot of movies. But the movies is nothing compare to what's going on in real [life]. [¶] I had [a] relationship with her. She had [a] restraining order. I'm out of her life. These people want to get me for being with their daughter. Now I understand they have a different daughters, like they have more kids. And this is why they do this stuff to prove that we can't have a relation[ship]. They want me dismissed from the life. They want to kill me. They want to shoot me for the price of having a girlfriend, which [is] legal in this country and [a] crime in Muslim and Arabic tradition of what they are really fanatic, calling me, threatening me, her dad. This guy I never met, but he inform himself as a husband and her brother."

The trial court judge indicated he had read the responses to Imran's allegations, which Imran represents they filed at the hearing and without Imran having a chance to read them first. The court then asked the former girlfriend whether she had a relationship with Imran. She responded, "Yes, before I get married." The court asked whether she was "fine with that marriage," and she said, yes. The court asked, "You don't want to have any contact with him anymore, correct?" She responded, "No, I just want him out of my life and my family['s] life." The court then asked Imran whether he was "fine with staying out of her life?" He responded, "Yes, I want them out of my life too."

The trial court judge then questioned the three men Imran accused of harassing him. He asked the father, "Have you made any threats to Mr. Imran?" He replied, "I

don't." The court asked, "Do you have any intention to do him any harm?" The father responded, "I don't." The court asked, "Do you realize that would not be right? You can't do that." The father replied, "Of course I know." The court then asked the girlfriend's husband whether he had made any threats to Imran and whether he had any intention of making threats. The husband responded, "No, this is actually the first time I meet him . . . I never call him. I never actually even heard his voice. This is the first time I meet him, and you know, nothing at all." The court asked the same questions of the girlfriend's brother and received substantially the same answers. He asked, "How do you feel about him dating your sister?" The brother responded, "I mean, if she doesn't want to talk to him, it's like the end, you know. Like, she just don't want to talk to him, his—not my choice."

The court then denied Imran's petition for restraining order. He indicated he didn't see any problem. When Imran pressed for protection, the trial court judge indicated he had reviewed the evidence and the decision came down to a credibility determination. It found respondents more credible in their denials than it found Imran in his allegations.

Imran filed a timely notice of appeal.

II

ANALYSIS

A. *Substantial Evidence*

Imran argues the court's findings that supported denying the petition for a permanent restraining order are not supported by substantial evidence. This argument is without merit.

Section 527.6, subdivision (a)(1) says "[a] person who has suffered harassment as defined in subdivision (b) may seek a temporary restraining order and an order after hearing prohibiting harassment as provided in this section." Section 527.6, subdivision (d) provides a temporary restraining order may issue, with or without notice, based on the petitioner's declaration if the court finds it to be reasonable proof of harassment of the petitioner by the respondent, and that great or irreparable harm may result to the petitioner if it didn't issue the restraining order.

Within 21 days, or, if good cause appears, within 25 days from the date of the petition for a temporary restraining order is granted or denied, the judge shall hold a hearing on the petition. (§ 527.6, subd. (g).) At the hearing, the judge "shall receive any testimony that is relevant, and may make an independent inquiry. If the judge finds by clear and convincing evidence that unlawful harassment exists, an order shall issue prohibiting the harassment." (*Id.* at subd. (i).) An injunction restraining future conduct is only authorized when it appears that harassment is likely to recur in the future. (*Russell v. Douvan* (2003) 112 Cal.App.4th 399, 402-403.)

Section 527.6, subdivision (b)(3) defines “harassment” as “unlawful violence, a credible threat of violence, or a knowing and willful course of conduct directed at a specific person that seriously alarms, annoys, or harasses the person, and that serves no legitimate purpose. The course of conduct must be that which would cause a reasonable person to suffer substantial emotional distress, and must actually cause substantial emotional distress to the petitioner.” “Credible threat of violence” is defined as “a knowing and willful statement or course of conduct that would place a reasonable person in fear for his or her safety or the safety of his or her immediate family, and that serves no legitimate purpose.” (*Id.* at subd. (b)(2).)

We review the trial court’s decision to deny a restraining order for substantial evidence. (*R.D. v. P.M.* (2011) 202 Cal.App.4th 181, 188.) We ask whether the findings (express and implied) that support the trial court’s denial are justified by substantial evidence in the record. (*Ibid.*) We resolve all factual conflicts and questions of credibility in favor of the prevailing party and make any reasonable inferences to uphold the finding if it is supported by evidence that is reasonable, credible, and of solid value. (*Schild v. Rubin* (1991) 232 Cal.App.3d 755, 762.)

The trial court held a hearing on Imran’s petition and heard testimony from all the persons alleged to be involved in this dispute. Imran accused the three respondents of calling him on three occasions and threatening his life. The three respondents individually denied these allegations outright. At the end of the hearing, the trial court judge indicated he would deny the petition based on finding respondents and Imran’s

girlfriend more credible than Imran. As Imran’s own brief acknowledges, if there are conflicts in the facts, the court will resolve the conflict in favor of the party who won in the trial court. (*Williams v. Wraxall* (1995) 33 Cal.App.4th 120, 132.) We do not reweigh the evidence, especially when a decision turns on live witness credibility. Here, the testimony of the three respondents constitutes substantial evidence to support the trial court’s finding. We conclude there is no merit to this aspect of Imran’s appeal.

B. Late Filed Opposition

Imran also argues the trial court improperly considered respondents’ untimely opposition to his petition.¹ He contends section 1005 requires “[a]ll papers opposing a motion so noticed shall be filed with the court and a copy served on each party at least nine court days . . . before the hearing,” and that allowing the late filing was an abuse of discretion. Again, we find his argument has no merit.

As Imran recognizes, the trial court has discretion to consider late filed opposition papers. “No paper may be rejected for filing on the ground that it was untimely submitted for filing. If the court, in its discretion, refuses to consider a late filed paper, the minutes or order must so indicate.” (Cal. Rules of Court, rule 3.1300(d).) The trial court had discretion to consider the respondents’ opposition. The dispute concerned a small, factual question and turned on the testimony of the parties. Imran has provided no

¹ Imran also concludes—in a point header and without any elaboration or citation—that considering the late opposition violated his due process rights and his right as a man to equal protection of the laws. We conclude those arguments, which are of dubious value, were not well enough articulated and are therefore forfeited. (*Allen v. City of Sacramento* (2015) 234 Cal.App.4th 41, 64 [we need not reach issues presented without argument and won’t develop an appellant’s arguments for them].)

basis for believing the trial court acted unreasonably or arbitrarily in reviewing respondents' papers before taking evidence. We conclude there was no abuse of discretion.

Even if the trial court erred by considering the opposition, Imran has not shown prejudice. As we discussed above, the trial court took live testimony from five witnesses, and the denial of the petition turned on the trial court's finding that respondents were more credible than Imran in their live testimony. Thus, the evidence submitted, not the parties' legal arguments, determined the outcome of the case. We therefore will affirm the trial court judgment.

III

DISPOSITION

We affirm the judgment. Since respondents did not file a response, appellant shall bear only his own costs on appeal.

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SLOUGH

Acting P. J.

We concur:

RAPHAEL

J.

MENETREZ

J.